



सत्यमेव जयते

भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



DIRECTION

Dated: 16th April 2019

Subject: Direction to M/s IndusInd Media and Communications Ltd under section 13, read with sub-clause (v) of clause (b) of sub section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 to ensure compliance of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services

No. 30-3/2019-B&CS - Whereas the Telecom Regulatory Authority of India [hereinafter referred to as "the Authority"], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) [hereinafter referred to as "TRAI Act, 1997"], has been entrusted to discharge certain functions, inter-alia, to regulate the telecommunication services; fix the terms and conditions of inter-connectivity between the service providers; ensure technical compatibility and effective inter-connection between different service providers; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Central Government, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39,---

(a) issued in exercise of powers conferred by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, 1997 and (b) published under notification number S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part II, Section 3 - sub-section (ii)--- has notified broadcasting services and cable services to be telecommunication service;

3. And whereas the Authority notified a New Regulatory Framework for Broadcasting and Cable TV services provided through addressable systems, encompassing the following:-

- The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, [Tariff Order 2017];
- The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [Interconnection Regulation 2017];
- The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [QoS Regulation 2017].

4. And whereas the Authority, vide its Press Note dated the 3rd July 2018, informed the stakeholders that various timelines prescribed in the

Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 shall commence with effect from 3rd July 2018;

5. And whereas the new regulatory framework comprising of the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 became applicable with effect from 29th December 2018;

6. And whereas in order to protect the interest of the consumers and to ensure smooth transition to the new regulatory regime, the Authority, vide the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Amendment) Regulations, 2018 dated 28th December 2018, permitted the continuance of the existing packs, plans and bouquets upto 31st January, 2019 and directed all distributors of television channels to offer and obtain the option for subscription of new packs, plans or bouquets from the subscribers on or before 31st January, 2019 and ensure that services to the subscribers, after the 31st January, are provided as per the new packs, plans or bouquets opted for subscription by the subscribers;

7. And whereas as per sub-clause (2) of clause (4) of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 reads as under:-

“4. Declaration of network capacity fee and manner of offering of channels by distributors of television channels.--- (2) Every distributor of television channels shall offer all channels available on its network to all subscribers on a-la-carte basis and declare distributor retail price, per month, of each pay channel payable by a subscriber:

Provided that the distributor retail price, per month, payable by a subscriber to a distributor of television channels for subscribing to a pay channel shall, in no case, exceed the maximum retail price, per month, declared by the broadcasters for such pay channel.”

8. And whereas regulations 6 and 7 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

“6. Subscription of channels/bouquets.— Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, activate requested channel or bouquet available on its platform, as soon as possible, but not later than seventy two hours:

Provided that the charges for requested channel or bouquet shall be payable by the subscriber from the date of activation of such channel or bouquet.”

“7. Deactivation of channels/bouquets from subscription.— Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber,

deactivate the requested channel or bouquet from the subscription of such subscriber as soon as possible, but not later than seventy two hours:

Provided that it shall be permissible for the distributor, to refuse such deactivation request if the subscription of such channel or bouquet is within a lock-in period which was declared by the distributor on its website and informed to the subscriber at the time of subscription of such channel or bouquet:

Provided further that in case of refusal of deactivation request, the distributor shall communicate the reasons of such refusal to the subscriber through Short Message Service (SMS) to his registered mobile number and through such other means of communication which may be deemed appropriate by the distributor.”

9. And whereas on receipt of complaints and inspection of website of IndusInd Media and Communications Ltd. (M/s IMCL), the following issues have been observed by the Authority: -

- The process of channel selection on the website of M/s IMCL is not user friendly (while selecting ala-carte channels, genre wise list of channels is not available);
- M/s IMCL is overcharging the subscribers in the name of service charges;
- M/s IMCL is forcing the channels/packs to the consumers;
- Subscribers are not able to re-exercise their choice.

10. Now, therefore, the Authority, in exercise of its power under section 13, read with sub-clause (v) of clause (b) of sub section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) directs M/s IndusInd Media and Communications Ltd. to resolve the issues mentioned in para 9 above and adhere to the provisions of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 and report compliance as per the new regulatory framework within five days from the date of issue of this direction.


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To,

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